

NOT SCHEDULED FOR ORAL ARGUMENT
IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ALASKA COMMUNITY ACTION ON TOXICS,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY, et
al.,

Respondents.

Case No. 25-158

INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, et al.,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

Case No. 25-572

ENVIRONMENTAL DEFENSE FUND,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY, et
al.,

Respondents.

Case No. 25-573

JOINT MOTION TO GOVERN FURTHER PROCEEDINGS

Petitioners¹ and Respondents² hereby jointly move to govern further proceedings in the manner set forth herein.

Petitioners seek review of an EPA action entitled, “Updates to New Chemicals Regulations Under the Toxic Substances Control Act (TSCA),” 89 Fed. Reg. 102773 (Dec. 18, 2024). Those petitions for review were consolidated in this Court on January 27, 2025, pursuant to an order of the Judicial Panel on Multidistrict Litigation. At the parties’ request, this proceeding was held in abeyance from February 25, 2025, through June 11, 2025.

The parties have conferred and jointly propose the following briefing format and schedule:

Date	Filing Due	Word Limit
July 11, 2025	Respondent’s Certified Index to the Administrative Record	N/A
September 17, 2025	Petitioners’ Opening Briefs	22,400 collectively (to be divided among parties)
November 21, 2025	EPA’s Response Brief	22,400
December 23, 2025	Petitioners’ Reply Briefs	11,000 collectively (to be divided among parties)

¹ Petitioners in these consolidated petitions are Alaska Community Action on Toxics; International Union, United Automobile, Aerospace and Agricultural Implement Workers Of America; American Federation of Labor and Congress of Industrial Organizations; and Environmental Defense Fund.

² Respondents in these consolidated petitions are the United States Environmental Protection Agency and Lee M. Zeldin, in his official capacity as Administrator of the United States Environmental Protection Agency (collectively, “EPA”).

June 30, 2025

Respectfully submitted,

ADAM R.F. GUSTAFSON

Acting Assistant Attorney General

Of Counsel:

ELIZABETH THALER

DEVI CHANDRASEKARAN

Office of the General Counsel
U.S. Environmental Protection
Agency
Washington, D.C.

/s/ Samuel B. Stratton

SAMUEL B. STRATTON

Environmental Defense Section
Environment and Natural Resources
Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044
(202) 514-6535
samuel.stratton@usdoj.gov

Counsel for Respondents

/s/ Michael Youhana

MICHAEL YOHANA

Earthjustice
48 Wall Street, 15th Floor
New York, N.Y. 10005
(212) 845-7376
myouhana@earthjustice.org

*Counsel for Petitioner Alaska
Community Action on Toxics*

/s/ Randy Rabinowitz

RANDY RABINOWITZ

Occupational Safety and Health Law
Project
P.O. Box 3769
Washington, D.C. 20027
(202) 256-4080
randy@oshlaw.org

/s/ Victoria L. Bor

VICTORIA L. BOR

Occupational Safety and Health Law
Project

P.O. Box 3769

Washington, D.C. 20027

(301) 785-3204

victoriabor87@gmail.com

*Counsel for Petitioner International Union,
United Automobile, Aerospace and
Agricultural Implement Workers of
America*

/s/ Samantha Liskow

SAMANTHA LISKOW

Environmental Defense Fund

257 Park Ave S

New York, NY 10010

(212) 616-1247

sliskow@edf.org

*Counsel for Petitioner Environmental
Defense Fund*

CERTIFICATE OF COMPLIANCE

I hereby certify that this Motion to Govern complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), this document contains 219 words.

This document complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

Dated: June 30, 2025

/s/ Samuel B. Stratton

SAMUEL B. STRATTON

Counsel for Respondents